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JUN 07 2004

U.S. DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

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CLERK U.S. DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA



8 UNITED STATES DISTRICT COURT
9 FOR THE EASTERN DISTRICT OF CALIFORNIA
10 SACRAMENTO DIVISION

11 FEDERAL ELECTION COMMISSION,

12 Plaintiff,

13 v.

14 CALIFORNIA DEMOCRATIC PARTY, et al.,

15 Defendants.

No Civ S-03-0547 FCD/DAD

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JUN 11 11 00 AM '04
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17 ORDER AND JUDGMENT

18 This action for declaratory, injunctive and other appropriate relief was instituted by
19 the plaintiff Federal Election Commission ("Commission") against defendants California
20 Democratic Party ("CDP"), Democratic State Central Committee of California-Federal,
21 Democratic State Central Committee of California-Non-Federal, and Katherine Moret, as
22 treasurer, pursuant to the express authority granted the Commission by sections 307(a)(6) and
23 309(a)(6)(A) of the Federal Election Campaign Act of 1971, as amended ("Act"), codified at
24 2 U.S.C. 437d(a)(6) and 437g(a)(6)(A). The plaintiff Commission has satisfied all
25 jurisdictional requirements that are prerequisites to the initiation of this suit.
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1 This Court has denied defendants' Motions for Summary Judgment and has granted
2 the Commission's Motion for Partial Summary Judgment. See FEC v. California Democratic
3 Party, 2004 WL 865833 (E.D. Ca. 2004).

4 Defendants have waived any and all claims, whether for costs, attorney's fees or other
5 expenses, relating to or arising in any manner from this proceeding, that it may have under
6 the Equal Access to Justice Act, 5 U.S.C. 504. Defendants have also waived all rights of
7 appeal from this Order and Judgment.
8

9 The Commission and defendants have stipulated to the entry of this Court's judgment
10 and consent to the issuance of this Order and Judgment.

11
12 Therefore, it is ORDERED, ADJUDGED AND DECREED that:

- 13 A. Defendants California Democratic Party, Democratic State Central
14 Committee of California-Federal, Democratic State Central
15 Committee of California-Non-Federal, and Katherine Moret,
16 Treasurer, violated 2 U.S.C. 441b(a) and 11 C.F.R. 102.5 by using a
17 non-federal account containing corporate and labor union monies to
18 make disbursements for mailings and radio advertisements in
19 connection with the March 10, 1998 special general election; violated
20 2 U.S.C. 441d(a) by failing to include the required disclaimers in
21 communications that expressly advocated the election of a clearly
22 identified federal candidate; and violated 2 U.S.C. 434(b) by failing
23 to disclose that they made independent expenditures on behalf of Lois
24 Capps.
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Case 1:19-cv-01003

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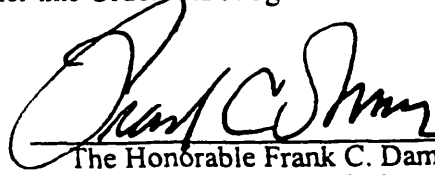
- B. Defendants California Democratic Party, Democratic State Central Committee of California-Federal, Democratic State Central Committee of California-Non-Federal, and Katherine Moret, Treasurer, are permanently enjoined from using a non-Federal account containing union or corporate funds in connection with any special federal election in violation of 2 U.S.C. 441b and 11 C.F.R. 102.5; from failing to include all disclaimers required by 2 U.S.C. 441d(a) in communications that expressly advocate the election or defeat of a clearly identified candidate in such elections; and from failing to report their independent expenditures in the financial disclosure reports required by 2 U.S.C. 434(b) in such elections;
- C. Within 30 days from the entry of this Order and Judgment, defendants shall pay a civil penalty of \$30,000 to the Federal Election Commission, for which they will be jointly and severally liable;
- D. Within 30 days from the entry of this Order and Judgment, defendants shall transfer from the Democratic State Central Committee of California-Federal to the Democratic State Central Committee of California-Non-Federal the sum of \$77,281.67;
- E. Each side shall bear its own costs and attorney's fees; and
- F. It is hereby ordered that this Court shall retain jurisdiction of this action, and of any ancillary or supplemental actions thereto, in order to, among other things, implement and carry out the terms of all orders, judgments, and decrees that may be entered herein, including

those that may be necessary to assure compliance with this Order and
Judgment.

The Clerk of the Court is directed to enter this Order and Judgment.

Dated:

June 4, 2004



The Honorable Frank C. Damrell, Jr.
United States District Judge

Entered:

Clerk of the Court for the
Eastern District of California

Copies to:

The Federal Election Commission
California Democratic Party
Democratic State Central Committee of California-Federal
Democratic State Central Committee of California-Non-Federal
Katherine Moret

United States District Court
for the
Eastern District of California
June 7, 2004

* * CERTIFICATE OF SERVICE * *

2:03-cv-00547

Federal Election

v.

CA Democratic Party

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Eastern District of California.

That on June 7, 2004, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office, or, pursuant to prior authorization by counsel, via facsimile.

Colleen T Sealander
Federal Election Commission
999 E Street NW
Washington, DC 20463

MP/FCD

BP/DAD

Deborah Barthel Caplan
Olson Hagel and Fishburn
555 Capitol Mall
Suite 1425
Sacramento, CA 95814

10/1/04 Pretrial Conf & 12/6/04 Trial are VACATED

Jack L. Wagner, Clerk

BY: 
Deputy Clerk

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

FILED
June 7, 2004
CLERK US DISTRICT COURT EASTERN DISTRICT OF CALIFORNIA
DEPUTY CLERK

JUDGMENT IN A CIVIL CASE

Federal Election Commission

v.

CASE NUMBER: CIV S-03-0547 FCD DAD

California Democratic Party, et al..

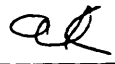
XX — **Decision by the Court.** This action came to trial or hearing before the Court. The issues have been tried or heard and a decision has been rendered.

IT IS ORDERED AND ADJUDGED

**THAT JUDGMENT IS HEREBY ENTERED IN ACCORDANCE WITH THE
COURT'S ORDER OF JUNE 7, 2004.**

Jack L. Wagner,
Clerk of the Court

ENTERED: June 7, 2004

by: 
A. Kastilahn, Deputy Clerk

United States District Court
for the
Eastern District of California
June 7, 2004

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2:03-cv-00547

Federal Election

v.

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Washington, DC 20463

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Jack L. Wagner, Clerk

BY: ak
Deputy Clerk